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United Nations

Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996

Tenth session (27 February-3 March 2006)

General Assembly
Official Records
Sixty-first Session
Supplement No. 37 (A/61/37)

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Note

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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Chapter I

Introduction

1. The tenth session of the Ad Hoc Committee established by the General Assembly in its resolution 51/210 of 17 December 1996 was convened in accordance with paragraph 22 of General Assembly resolution 60/43 of 8 December 2005. The Committee met at Headquarters from 27 February to 3 March 2006.

2. In accordance with paragraph 9 of General Assembly resolution 51/210, the Ad Hoc Committee was open to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency.

3. At its 36th meeting, on 27 February 2006, the Committee elected Sabelo Sivuyile Maqungo (South Africa) as Vice-Chairperson to replace Albert Hoffmann (South Africa), who was no longer available to serve in that capacity. The Committee paid tribute to Mr. Hoffmann for his valuable contributions to the work of the Committee, in particular with regard to the concluding of the negotiations on the International Convention for the Suppression of Acts of Nuclear Terrorism. The other members of the Bureau of the Committee at the previous session continued to serve in their respective capacities. The Bureau was thus constituted as follows:

Chairman:
Rohan Perera (Sri Lanka)

Vice-Chairpersons:
Carlos Fernando Díaz Paniagua (Costa Rica)
Maria Telalian (Greece)
Sabelo Sivuyile Maqungo (South Africa)

Rapporteur:
Lublin Dilja (Albania)

4. Václav Mikulka, Director of the Codification Division of the Office of Legal Affairs, acted as Secretary of the Ad Hoc Committee, assisted by George Korontzis as Deputy Secretary. The Codification Division of the Office of Legal Affairs provided the substantive services for the Committee.

5. At the same meeting, the Ad Hoc Committee adopted the following agenda (A/AC.252/L.15):

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Organization of work.
5. Consideration of the questions contained in the mandate of the Ad Hoc Committee as set out in paragraph 21 of General Assembly resolution 60/43 of 8 December 2005.
6. Adoption of the report.

6. The Ad Hoc Committee had before it the report on its ninth session,[1] containing, inter alia, written amendments and proposals submitted by delegations

to the Committee in connection with the elaboration of a draft comprehensive convention on international terrorism; and the report on its sixth session,[2] containing, inter alia, a discussion paper prepared by the Bureau on the preamble and article 1 of the draft comprehensive convention on international terrorism; informal texts of articles 2 and 2 bis, prepared by the coordinator; the texts of articles 3 to 17 bis and 20 to 27 prepared by the Friends of the Chairman; texts relating to article 18, one circulated by the coordinator for discussion and the other proposed by the States members of the Organization of the Islamic Conference; and a list of proposals made during the informal consultations on the preamble and article 1 appended to the report of the coordinator on the results of the informal consultations in the Ad Hoc Committee. The Committee also had before it the report of the Working Group of the Sixth Committee established at the sixtieth session of the General Assembly (A/C.6/60/L.6),[3] two proposals to facilitate discussion by the Friends of the Chairman of the Working Group, introduced in the Sixth Committee during the sixtieth session of the General Assembly (A/C.6/60/INF.1 and 2), and two letters from the Permanent Representative of Egypt to the United Nations concerning the convening of a high-level special session of the General Assembly on cooperation against terrorism.[4]

Chapter II
Proceedings

7. The Ad Hoc Committee held two plenary meetings: the 36th, on 27 February, and the 37th, on 3 March 2006.

8. At the 36th meeting, the Ad Hoc Committee adopted its work programme and decided to proceed with discussions in informal consultations and informal contacts. The informal contacts regarding the draft comprehensive convention on international terrorism were held on 27 and 28 February and on 1 and 2 March and informal consultations were held on 1 March. The informal consultations concerning the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations were held on 1 March.

9. At the 37th meeting, the Chairman presented his report on the results of the informal consultations and informal contacts on the draft convention and on the question of convening a high-level conference. This report is contained in annex I to the present report, for reference purposes only and not as a record of the discussions. Annex II contains written amendments and proposals submitted by delegations during the current session of the Ad Hoc Committee in connection with the elaboration of the draft comprehensive convention.

10. At its 37th meeting, the Ad Hoc Committee adopted the report on its tenth session.

Notes

[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 37* (A/60/37).

[2] Ibid., *Fifty-seventh Session, Supplement No. 37* and corrigendum (A/57/37 and Corr.1). See also the reports of the Ad Hoc Committee on its seventh and eighth sessions (*Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 37* (A/58/37) and ibid., *Fifty-ninth Session, Supplement No. 37* (A/59/37)).

[3] See also the reports of the Working Group established at the fifty-fifth to fifty-ninth sessions of the General Assembly (A/C.6/55/L.2, A/C.6/56/L.9, A/C.6/57/L.9, A/C.6/58/L.10 and A/C.6/59/L.10), a letter dated 3 August 2005 from the Chairman of the Sixth Committee addressed to the President of the General Assembly containing, in its annex, the report of the coordinator on the results of the informal consultations on a draft comprehensive convention on international terrorism, held from 25 to 29 July 2005 (A/59/894), and a letter dated 5 October 2005 from the Chairman of the Organization of the Islamic Conference Group addressed to the Chairman of the Sixth Committee (A/C.6/60/3).

[4] Letters dated 1 and 30 September 2005 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General and the Chairman of the Sixth Committee, respectively (A/60/329 and A/C.6/60/2).

Annex I

Informal summaries by the Chairman on the results of the informal consultations and informal contacts on the draft comprehensive convention on international terrorism and on the question of convening a high-level conference

A. Draft comprehensive convention on international terrorism

1. The Chairman, together with members of the Bureau, conducted six sets of informal bilateral contacts with interested delegations from 27 February to 2 March 2006, and on 1 March, informal consultations were held, during which the Chairman briefed delegations on the progress of the bilateral contacts up to that point. The purpose of the consultations was to explore further whether there might be possible suggestions on which a compromise solution on the outstanding issues regarding the comprehensive convention on international terrorism could be based. It bears noting that the Chairman conducted consultations with delegations during the week immediately preceding the convening of the meeting of Ad Hoc Committee and there was a general indication that, at the current advanced and delicate stage of the negotiations, bilateral contacts offered a more useful framework conducive to advancing the work on the draft comprehensive convention. It is necessary to reiterate the strong impression conveyed of the importance of preserving the integrity of the bulk of the text on which there seems to be substantial agreement.

2. The Bureau met with a broad cross-section of delegations and groups and the general tone of the consultations was positive and encouraging. Bearing in mind the fresh impetus injected by the 2005 session of the Working Group of the Sixth Committee, detailed and incisive discussions were held on various aspects relating to the draft comprehensive convention, including in particular possible ways in which the process could be advanced further. During the discussions, some delegations reiterated their previously preferred positions. It is not the intention of the Chairman to repeat these positions in the present report. The report of the Working Group of the Sixth Committee (A/C.6/60/L.6) still represents a fair and recent account of the broad views of delegations on the various points under discussion. It is nevertheless important to stress that all delegations expressed a willingness to explore other options that would lead to a consensus solution. In this regard, there is still a general sense that a solution to the issues surrounding draft article 18, which continues to be key and the central focus of the discussions, would pave the way to a resolution of the outstanding issues on the draft comprehensive convention.

3. A number of innovative approaches and ideas were broached during the bilateral contacts, including the possible development of fresh proposals that would narrow the gap between the various viewpoints, as well as the possible refinement of the language of some of the proposals that had been submitted for discussion. Some pointers were also made to possible elements that may be considered for a possible overall package. However, no concrete proposals were submitted in respect of draft article 18. Clearly, more time is required for some of these approaches and

ideas to mature into language that is concrete and viable as a basis for a solution. Undoubtedly, further consultations among delegations are indispensable to determine the feasibility of these approaches and to refine any texts that may emerge. The Chairman, together with the members of the Bureau, would encourage delegations to continue their consultations on these possible approaches, with a view to finding consensus language that would advance our work. In order to facilitate further consultations and to ensure transparency, an informal information note containing some of the ideas that emerged during the bilateral consultations was made available. Delegations are encouraged to examine these ideas or any other ideas in-depth among themselves and in their capitals.

4. It may be noted that a written proposal was made in respect of the preambular paragraph, which would seek to amend the proposal contained in document A/C.6/60/INF.2. This proposal, by Argentina, is contained in annex II to the present report. It was also suggested that a preambular paragraph be envisaged that would emphasize that the utilization of the mechanisms and expertise of Interpol would facilitate the efforts of States in the prevention and suppression of acts of international terrorism. I wish to stress that all proposals, as reflected in previous reports of the Ad Hoc Committee and the Working Group of the Sixth Committee, remain on the table.

5. Delegations are earnest in their desire to continue negotiations with a view to finalizing the draft comprehensive convention. Several delegations have indicated their intention to continue these consultations in the coming period, and the Chairman strongly urges all delegations to strive to develop concrete proposals to bring us closer to our goal. Indeed, bearing in mind the 2005 World Summit Outcome (General Assembly resolution 60/1), it is important that these consultations remain focused and result oriented. It is the intention of the members of the Bureau to remain available to facilitate this ongoing process in any way they can.

B. Question of the convening of a high-level conference

1. The question of the convening of a high-level conference under the auspices of the United Nations, as mandated by the General Assembly in resolution 60/43, was a subject of informal consultations on 1 March 2006.

2. The sponsor delegation reiterated that Egypt had launched an initiative to convene an international conference since 1986, that the item had been introduced in the Sixth Committee in 1999 and that its importance had been reaffirmed in the 2005 World Summit Outcome. Egypt renewed its proposal through the letter of its Foreign Minister addressed to the Secretary-General (A/60/329) and submitted a working paper for discussion (A/C.6/60/2, annex). The high-level conference would be a part of the United Nations efforts to combat terrorism and would not preclude the priority that should be given to the conclusion of the comprehensive convention.

3. In their comments, some delegations expressed support for the Egyptian proposal. In this regard, references were made to the 2005 World Summit Outcome, as well as the declarations adopted by the Movement of Non-Aligned Countries

since the 1980s and to the documents adopted by the Islamic Summit Conference at its extraordinary meeting in December 2005.

4. Some other delegations supported the consideration of the proposal in principle, noting that its consideration was related to the timing of its convening. Some delegations expressed the view that the consideration of the proposal should be taken up only after the completion of work on the draft comprehensive convention. In this context, it was observed that the Euro-Mediterranean Code of Conduct on Countering Terrorism, adopted on 28 November 2005, emphasized that the convening of the high-level conference should be considered following the completion of the draft comprehensive convention. Moreover, it was noted that, as had been emphasized by the 2005 World Summit Outcome, the draft comprehensive convention needed to be finalized as soon as possible, and the work on the draft comprehensive convention should not be detracted by the discussion on the high-level conference. The view was also expressed that the Ad Hoc Committee should focus its attention on areas where a practical achievement was feasible.

5. Some other delegations noted that the convening of the conference would facilitate finding solutions to the outstanding issues on the draft comprehensive convention, which were political in nature and could best be addressed through the convening of the proposed high-level conference. Accordingly, the proposed conference could be convened prior to the completion of the work on the draft comprehensive convention.

6. It was also pointed out that the finalization of the draft comprehensive convention and the preparation for the proposed high-level conference were not mutually exclusive and work on the two issues could continue in parallel. However, the preparation for the conference should not influence the ongoing work in the Sixth Committee concerning the draft comprehensive convention.

7. Some delegations also suggested that the matter needed to be perceived in the context of the forthcoming negotiations in the General Assembly concerning the United Nations strategy on counter-terrorism. These negotiations would provide an opportunity to address any existing gaps in the efforts of the United Nations in combating international terrorism. The proposed action plan (A/C.6/60/2, annex) could pave the way for the implementation of the United Nations counter-terrorism strategy, upon its adoption.

8. Concerning the issues to be discussed by the proposed conference and its possible outcome, some delegations stated that such a conference should send a strong political signal indicating the resolve of the international community, that it would not tolerate and would combat terrorism in all its forms and manifestations. It was also pointed out by some delegations that any outcome of the conference would supplement the existing international instruments. It could seek to address, for instance, the issues relating to the definition, as well as the different aspects of terrorism, including, inter alia, its root causes.

9. In concluding remarks, the sponsor delegation stressed the importance of defining a clear objective, noting that the conference should focus on practical means of combating international terrorism to be taken by the United Nations and its Member States. The elements offered in its working paper were open for

discussion. While recognizing that there were links between the conference and the conclusion of the draft comprehensive convention, they were not mutually exclusive, as the conference would address broader issues than the draft comprehensive convention. Regarding the way forward, the sponsor delegation remained open to alternative approaches including the convening of a high-level meeting of the General Assembly that would designate response to international terrorism as an overarching theme for general debate during its sixty-second session or earlier, depending on the progress of preparatory work. It was also open to any proposal that might be submitted by delegations regarding the work plan of the conference.

10. The Chairman urges delegations to continue consultation among themselves on this matter.

Annex II

Amendments and proposals

Written amendments and proposals submitted by delegations to the Ad Hoc Committee at its current session in connection with the elaboration of a draft comprehensive convention on international terrorism

Proposal submitted by Argentina amending document A/C.6/60/INF/2 (A/AC.252/2006/WP.1)

Reaffirming the right to self-determination of peoples in accordance with the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples[a] and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[b]

[a] Resolution 1514 (XV).

[b] Resolution 2625 (XXV), annex.

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